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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/822,853

04/02/2001

Hyun-doo Shin

Q59547

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04/12/2005

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EXAMINER

LE, BRIAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/822,853

Applicant(s)

SHIN ET AL.

Examiner

Brian Q Le

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on November 29, 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 18, 20, and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **Response to Amendment and Arguments**

1. Applicant's amendment filed November 29, 2004, has been entered and made of record.
2. Applicant's arguments with regard to claims 14-25 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding claim 14, the Applicant argues (page 8) that the claiming invention claimed the weight similarity is automatically calculated based on the perceptual dissimilarity and not based on the user's input. The Applicant further argues that Chang Reference discloses that the perceptive weighing factor is adjusted by the user to satisfy their visual preference. However, the Applicant does not claim this limitation "the weight similarity is automatically calculated based on the perceptual dissimilarity and not based on the user's input". In order for the Examiner to consider this argument, the Applicant must consider to amend the claim language to further consist the limitation.

The rejection of terms "regularity" and "regularity-dissimilarity" under 35 U.S.C. 112, first paragraph has been withdrawn.

### ***Claim Objections***

3. Claims 14-25 are objected to because these claims are very difficult to understand due to the use of confusing language. Terminologies such as "regularity" and "perceptual dissimilarity" ...etc should be further elaborated by the Applicant either in the claims or in the specification. This would help the Examiner to understand the invention better and able to arrow the interpretation of the claims. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 14-17, 19, and 21-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang, "Data Resource Selection in Distributed Visual Information Systems", I.E.E.E. Knowledge and Data Engineering, Volume. 10, pages: 926-946 November 1998.

Regarding claim 14, Chang teaches a method of measuring the textural similarity of images, the method comprising:

Determining a statistical dissimilarity ( $d(i,j)$ ) between the images ( $i,j$ ) (similarity measure/computation between input and template images) (Page 928, column 2, last two paragraphs); and determining a textural dissimilarity ( $D(i,j)$ ) using said statistical dissimilarity ( $d(i,j)$ ) (Page 932), characterized by determining a perceptual dissimilarity (visual dissimilarity) between the images (Page 926, column 2, second paragraph) and the influence of said statistical dissimilarity ( $d(i,j)$ ), on the textural dissimilarity ( $D(i,j)$ ), being dependent on a function (based on factor) of the perceptual dissimilarity (Page 938, first column, first paragraph).

Referring to claim 15, Chang teaches a method wherein determining the perceptual dissimilarity (Page 926, column 2, second paragraph) comprises:

Determining quantitative measurements of the textural regularity of the respective images (Page 932, second column); and determining the difference between said quantitative measurements (Fig. 3 and page 929, first column).

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For claim 16, Chang also teaches a method wherein the textural dissimilarity is a value proportional to the statistical dissimilarity when the perceptual dissimilarity is not larger than a predetermined threshold (Page 929, second column).

Regarding claim 17, Chang discloses a method wherein the degree of influence of the statistical dissimilarity of the textural dissimilarity ( $D(i,j)$ ) is determined in dependence on the magnitude of the perceptual dissimilarity when the perceptual dissimilarity is greater than a predetermined threshold (similarity between a range of threshold is greater than a predetermined threshold) (page 928, second column, third column).

For claim 19, please refer back to claim 14 for the teachings and explanations. In addition, Chang teaches a computer-readable recording medium storing a computer program for the aforementioned limitation (server, database and software) (abstract).

For claim 21, please refer back to claim 14 and claim 19 for further teachings and explanations.

For claim 22, please refer back to claim 15 for the teachings and the explanations.

For claim 23, please refer back to claim 16.

For claim 24, please refer back to claim 17.

***Allowable Subject Matter***

6. Claims 18, 20, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL  
April 6, 2005



**SAMIR AHMED  
PRIMARY EXAMINER**